



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

MICHAEL ERTEL
Secretary of State

January 17, 2019

Governor Ron DeSantis
400 S. Monroe Street
Tallahassee, FL 32399

Dear Governor DeSantis:

One of the hallmarks of our republic is the electorate's trust in our elections. Over the past few years Floridians' trust in our elections has increased in nearly every county, and for nearly every resident. Yet, not all Floridians have benefitted from that renewed trust and confidence.

Voters in Palm Beach County have suffered from what I can only describe as a fear of "what will happen next?" It is my belief executive action is needed to finally put to rest the unease these nearly one million voters feel as each election approaches.

In my nearly 14 years as an elections administrator, and after a review of the most recent election, I can say without equivocation the issues with the Palm Beach County Supervisor of Elections Office rest solely at the top of the organization, Susan Bucher. Without retelling the numerous tales of combative incompetence over the years, I will focus on the conduct of the Supervisor of Elections during the 2018 election.

In the years leading to the 2018 election, election offices in Florida upgraded their equipment to meet the needs of a growing populace. After years of refusing to upgrade their system — even when adequate funding was made available — Supervisor Bucher made the decision to proctor the 2018 election for her nearly one million voters with equipment she described as a "65 Mustang...with a bad fan belt."

Well before the election, as elections officials in 66 counties throughout the state were installing Department of Homeland Security-sponsored servers to combat the threat of cyber terrorism, only Supervisor Bucher denied county voters the extra security. The short and long-term impact of this refusal is not yet fully known.

In planning the election, Supervisor Bucher chose polling places without consideration of the potential barriers for Election Day voters, nesting one polling place within the walls of a gated community, thus denying voters new to the community the opportunity to cast an Election Day ballot in violation of F.S. 101.048.

When voting completed, and vote totals were timely being reported throughout the state in accordance with F.S. 102.141, Palm Beach County struggled to submit updated results with each reporting deadline. Voters in the state's third largest county were left wondering who won, who lost, and once again, what was going on with their elections office.

The day after an election is supposed to be one which offers reflection and a new beginning for voters, yet in Palm Beach County, daylight didn't end their 2018 election nightmare, it only exacerbated it.

Our voters have come to expect a fluid, transparent and confidence-inspiring election process, especially as recounts become more common. In nearly every county, voters were able to know, regardless of the outcome, the recount process was working as planned, per F.S. 102.141 and 102.166. Supervisor Bucher delivered precisely the opposite, as voters experienced chaos, turmoil and uncertainty.

Adding to that, and in clear violation of F.S. 101.5614(4), and 101.68, Supervisor Bucher repeatedly refused to allow physically damaged ballots to be duplicated in the presence of the canvassing board, instead opting to have it take place behind closed doors. It took a candidate's lawsuit and a court order to bring that process out in the open.

Supervisor Bucher also chose to deny the public and members of the media the opportunity to observe the open process, as Florida law demands. Her stubborn secrecy culminated in a threat to have members of the media arrested for simply doing their job of observing the counting of ballots. Once again, a lawsuit, this time filed by national media outlets, was needed to provide transparent, open elections in Palm Beach County.

Throughout the recount, Supervisor Bucher blamed faulty equipment for her inability to complete the multiple recounts on time. While the equipment she refused to replace is certainly at the core of many of the missed deadlines, the fault is not with the equipment. Supervisor Bucher had years of foreknowledge that her county needed to buy new equipment, yet she chose not to. Supervisor Bucher's supervision of staff is also a factor. It was noted by an observer the tabulation system had been modified with a paper clip permanently affixed to the "enter" key, in effect forcing an overheating of the system.

It is no surprise the ongoing calamity resulted in Palm Beach County missing recount deadlines. The county was alone in failing to meet all ordered machine and manual recount deadlines, in violation of F.S. 102.141, and F.S. 102.166.

In all, it took until 50 days after Election Day for Palm Beach County's elections office to complete the ordered recounts which other counties had completed in a quarter of the time.

After each election, Supervisors of Elections, as a member of the canvassing board, completes a statutorily mandated Conduct of Election Report, per F.S. 102.141(9). The Palm Beach County Conduct of Election Report was incomplete, missing many details necessary to fully review the process. And Supervisor Bucher's obligation to amend the Conduct of Election Report with complete information has not occurred.

The 2018 election performance of Palm Beach County's elections office aren't miscues, mistakes or glitches, but a systemic issue, which has been in place for years, and barring changes, there seems to be no relief for 2019 and beyond. A quick review of the Palm Beach

County Elections website today revealed no information about the March 2019 municipal elections. No notice of which cities had elections, no early voting information, not even links to the city election websites, so voters could dig deeper for information if Palm Beach County's elections office was unwilling to provide it.

No election is perfect, and there are certainly improvements which can be made to assist local election supervisors in the future. But there is a big difference between isolated incidents, and ingrained institutional incompetence.

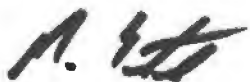
I believe the issues in Palm Beach County's elections office can be immediately improved with two actions, one which I am implementing, and one which I believe your intervention is warranted.

First, as of June 1, 2019, Florida Department of State will be decertifying the vote tabulation system used in Palm Beach County for any county with more than 250,000 voters.

Secondly, I strongly recommend you to use your authority under Article IV, Section 7(A) of the Florida Constitution to suspend Palm Beach County Supervisor of Elections Susan Bucher, allowing fresh, competent leadership to take the reins of the much-maligned office.

Palm Beach County voters — and all Floridians — need the assurance our elections are being proctored in the most efficient, transparent manner possible. I believe these two actions will finally put an end to what has for too long festered, and help to establish trust in the process.

Michael Ertel

A handwritten signature in black ink, appearing to read "M. Ertel", with a stylized flourish at the end.

Secretary of State